

REMARKS

This Application has been reviewed carefully in light of the Office Action mailed October 8, 2003 ("the *Office Action*"). Claims 1-20 were pending in the Application and stand rejected. Applicant amends Claims 1 and 11 and adds Claim 21.

Supplement to Information Disclosure Statement Filed 11/6/2000

In the Information Disclosure Statement filed on November 11, 2000 ("IDS"), Applicant made a bona fide attempt to comply with 37 C.F.R. §1.98, but inadvertently omitted the names of the inventors of the thirteen co-pending applications being disclosed. Applicant supplements the IDS by providing the Examiner with the attached "Supplement to Information Disclosure Statement Filed 11/6/2000," which provides the names of the inventors of the co-pending applications. The IDS now fully complies with the requirements of 37 C.F.R. §1.98. Applicant therefore respectfully requests the Examiner to consider the IDS pursuant to 37 C.F.R. §1.97(f).

Claim Rejections – 35 U.S.C. §112, ¶2

The Examiner maintains a rejection of Claims 1-20 under 35 U.S.C. §112, ¶2. Applicant respectfully submits that the §112, ¶2 rejection of Claims 1 and 11 is obviated due to Applicant's amendments of these Claims. The Examiner only rejected Claims 2-10 and 12-20 under §112, ¶2 for being dependent on Claims 1 and 11 respectively. Therefore, Applicant respectfully requests the Examiner to withdraw the §112, ¶2 rejection of Claims 1-20.

Claim Rejection – 35 U.S.C. § 102

The Examiner rejects Claims 1-6, 8-16, and 18-20 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,083,277, which issued to Fowlow et al. ("*Fowlow*"). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987); M.P.E.P. §2131.

Applicant's Claim 1, as amended, recites:

A method, comprising the steps of:

providing a set of predetermined function definitions;
preparing a project definition, said project definition including: a plurality of function portions which each correspond to one of said function definitions in said set, and which each define at least one input port and at least one output port that are functionally related according to the corresponding function definition; a further portion which includes a source portion identifying a data source and defining an output port through which data from the data source can be produced, and which includes a destination portion identifying a data destination and defining an input port through which data can be supplied to the data destination; and binding information which includes binding portions that each associate a respective said input port with one of said output ports; and
transmitting through a communications link from a first end thereof to a second end thereof a communication from a user which causes one of storing and execution of the project definition at said second end of the communications link.

Applicant respectfully submits that *Fowlow* fails to disclose every element of this Claim.

Among other aspects of Claim 1, *Fowlow* fails to disclose “a communication from a user which causes one of storing and execution of the project definition at said second end of the communications link.” As teaching this element, the Examiner cites Figure 10 and column 18, lines 47-55 of *Fowlow*, which show and discuss a computer system with a central processing unit (CPU) that might be coupled to a telecommunications network using a network connection. The Examiner then quotes *Fowlow*: “With such a network connection, it is contemplated that the CPU might receive information from the network, or might output information to the network in the course of performing the above-described method steps.” *Office Action* at page 7 (quoting *Fowlow*, Col. 18, lines 49-53). However, the receiving of information from a network and the outputting of information to a network simply fail to show “a communication from a user which causes one of storing and execution of the project definition at said second end of the communications link.”

These reasons apply similarly with respect to Applicant’s Claim 11. Claims 2-6 and 8-10 depend from Claim 1, and Claims 12-16 and 18-20 depend from Claim 11. Therefore, for at least these reasons, Applicant respectfully requests reconsideration and withdrawal of the §102 rejections of Claims 1-6, 8-16, and 18-20.

Furthermore, *Fowlow* fails to disclose the aspects added by Applicant’s Claim 2, which recites:

A method according to Claim 1, wherein said preparing step is carried out at said first end of said communications link, and wherein said transmitting step includes the step of including said project definition within said communication transmitted through said communications link.

As teaching this Claim, the Examiner quotes the same language from *Fowlow* used to reject Claim 1. However, the receiving of information from a network and the outputting of information to a network neither show carrying out the preparing step at the first end of the communications link, nor including the project definition within the communication transmitted through the communications link. Therefore, *Fowlow* fails to anticipate Claim 2.

These reasons apply similarly with respect to Applicant's Claim 12. Thus, for at least these reasons, Applicant respectfully requests reconsideration and withdrawal of the §102 rejections of Claims 2 and 12.

Claim Rejections – 35 U.S.C. §103

The Examiner rejects Claims 7 and 17 under 35 U.S.C. §103(a) as being unpatentable over *Fowlow* in view of U.S. Patent No. 6,493,870, which issued to Madany et al. ("*Madany*"). These Claims depend from Claims 1 and 11 respectively, which are shown above to be patentable over *Fowlow*. The introduction of *Madany* fails to provide the elements of Applicant's Claims 1 and 11 not shown by *Fowlow*. Thus, for at least these reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of Claims 7 and 17.

Provisional Nonstatutory Double-Patenting Rejection

The Examiner maintains a provisional rejection of Claims 1 and 11 under the judicially-created doctrine of obviousness-type double patenting, based on either Claim 1 or Claim 4 of co-pending U.S. Patent Application Serial No. 09/657,661, when taken in view of U.S. Patent No. 6,370,575, which issued to Dougherty et al. Applicant respectfully submits that, if necessary and appropriate, Applicant stands ready to file a terminal disclaimer to overcome any non-provisional double-patenting rejection.

CONCLUSION

Applicant has made an earnest attempt to place the Application in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of the Application in any manner, the undersigned attorney for Applicant stands ready to conduct such a conference at the convenience of the Examiner.

The Commissioner is hereby authorized to charge the required fee of \$86.00 for the addition of one new independent claim and any other fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicant



Kurt M. Pankratz
Reg. No. 46,977

Date: Jan 8, 2004

Baker Botts L.L.P.
2001 Ross Avenue
Dallas, Texas 75201-2980
Tel. 214.953.6584

Customer Number: **05073**